Applicant

Anthony R. Perez et al.

Appl. No.

10/023.587

Examiner

Michael J. Haves

Docket No.

706737.41

Remarks/Arguments

Reconsideration of this application is requested. Entry of the present amendment is requested because it is believed to place this application in condition for allowance or better form for appeal.

Turning first to the amendment to the specification that the Examiner objected to, it is requested that the Examiner reconsider based on the following:

The original specification on page 4, lines 12 through 14 stated "the various parts are generally molded from a suitable plastic, such as polypropylene, k-resin or polycarbonate, having a clear finish." This was amended to read:

-- The various parts are generally molded from a suitable plastic, such as polypropylene, synthetic resinous polymers of butadiene and styrene, or polycarbonate, having a clear finish. –

This amendment was made merely because it was discovered that "K-RESIN is a registered trademark, Registration No. 1,027,610 for "synthetic resinous polymers of butadiene and styrene." In view of this fact, it is respectfully submitted that the change to page 4 does not constitute new matter.

Alternatively, if the Examiner does not agree, the inserted phrase can be changed back to "K-RESIN a registered trademark." A copy of the K-RESIN registration is attached.

Turning now to the claims, the rejected Claims 62, 66-71, 75-97 and 100 are cancelled herewith without prejudice, pending the filing of a continuation application thereon, although Applicant does not agree with the Examiner's rejection.

Applicant -

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Anthony R. Perez et al.

Appl. No. Examiner 10/023,587

Ехашие

Michael J. Hayes

Docket No.

706737.41

Claims 63-65, 72-74 and 98-99 were not rejected on art and, accordingly, dependent Claims 63 and 72 have been rewritten as new independent Claims 101 and 102, respectively, and dependent Claims 64 and 65 have been amended to depend on Claim 101 and dependent Claims 73 and 74 have been amended to depend on Claim 102.

Furthermore, a Terminal Disclaimer is submitted herewith to obviate the double patenting rejection.

In view of the foregoing, it is submitted that this application is in condition for allowance. The Examiner is encouraged to telephone the undersigned at (949) 567-6700 if there is any other matter that needs to be addressed in this application.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 15-0665.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE

LLP

D - 4 - 19

Bv:

Dated:

Samuel B. Stone

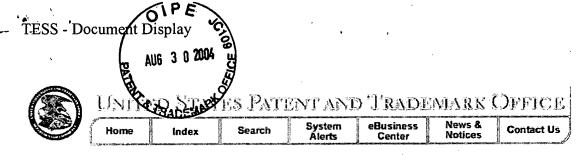
Reg. No. 19,297

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Fax: 949-567-6710



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Typed Drawing

Word Mark

K-RESIN

Goods and Services IC 017. US 001. G & S: SYNTHETIC RESINOUS POLYMERS OF BUTADIENE AND STYRENE. FIRST USE: 19690827. FIRST USE IN COMMERCE: 19690827

B.6. 1 B.

Mark Drawing

Code

(1) TYPED DRAWING

Serial Number

72337829

Filing Date

September 12, 1969

Current Filing

Basis

1A

Original Filing

Basis

1A

Registration

Number

1027610

Registration

Date

December 16, 1975

Owner

(REGISTRANT) PHILLIPS PETROLEUM COMPANY CORPORATION DELAWARE FIFTH & KEELER BARTLESVILLE OKLAHOMA 74004

Assignment

Recorded

ASSIGNMENT RECORDED

Attorney of

Record

J.E. PHILLIPS

Type of Mark

TRADEMARK

Register

PRINCIPAL

Affidavit Text

SECT 15. SECT 8 (6-YR).

Renewal

1ST RENEWAL 19960327

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Indicator

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Word Mark

Check Status

K-RESIN STYRENE-BUTADIENE COPOLYMERS THE CLEAR CHOICE

Goods and Services IC 001. US 001 005 006 010 026 046. G & S: Unprocessed synthetic resinous copolymers of butadiene and styrene for packaging, consumer products, medical, chemical and polymer industries. FIRST USE: 20011000. FIRST USE IN

COMMERCE: 20011000

IC 017. US 001 005 012 013 035 050. G & S: Synthetic resinous copolymers of butadiene and styrene in the form of pellets and in a form made from processing the polymers or polymer blends by extrusion, injection molding, blow molding, sheet forming, film forming for use in packaging, consumer products, medical, chemical and polymer industries. FIRST USE: 20011000. FIRST USE IN COMMERCE: 20011000

Mark Drawing

Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search

230125 260121 261701

Code

Serial Number 76346035

Filing Date

December 6, 2001

Current Filing

Basis

Original Filing

Basis

1B

Published for **Opposition**

December 3, 2002

Registration Number

2778402

Registration

Date

October 28, 2003

Owner

(REGISTRANT) CHEVRON PHILLIPS CHEMICAL COMPANY LP Chevron Phillips Chemical Holding II LLC, a Delaware limited liability company LIMITED PARTNERSHIP DELAWARE 1301 McKinney Road, Suite 3450 Houston TEXAS

77010

Attorney of

Record

STEPHEN A. GOLDSMITH

Prior

Registrations

1027610

Disclaimer

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "STYRENE-BUTADIENE COPOLYMERS" APART FROM THE MARK AS SHOWN

Mark

Description of The stippling shown in the drawing is a feature of the mark and not intended to

TOP

HELP

PREV LIST

indicate color.

Type of Mark TRADEMARK

Register

PRINCIPAL

Live/Dead

LIVE Indicator

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